

United States District Court Eastern District of Michigan

United States of America
V.
KWAME M. KILPATRICK

[AKA: Kilpatrick, Kwame Malik]

JUDGMENT IN A CRIMINAL CASE

Case Number: 10CR20403-1
USM Number: 44678-039

Harold Z. Gurewitz & Margaret Sind Raben
Defendant's Attorney

THE DEFENDANT:

■ Was found guilty on count(s) **1sss-5sss, 9sss, 17sss, 18sss-26sss, 28sss, 30sss, 31sss-36sss of the Fourth Superseding Indictment** after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
See page 2 for details.			

The defendant is sentenced as provided in pages **2 through 10** of this judgment. This sentence is imposed pursuant to the Sentencing Reform Act of 1984

■ The defendant has been found not guilty on count(s) **10sss, 27sss, 29sss of the Fourth Superseding Indictment.**

■ Count(s) **7sss, 8sss & 16sss** of the Fourth Superseding Indictment no verdict.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

OCTOBER 10, 2013

Date of Imposition of Judgment



s/Nancy G. Edmunds

United States District Judge

DECEMBER 17, 2013

Date Signed

DEFENDANT: KWAME M. KILPATRICK

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ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §§ 1962(d) and 1963(a)	Racketeering Conspiracy, a Class C Felony	2009	1sss
18 U.S.C. §§ 1951 and 1951(b)(2)	Interference with Commerce by Extortion-Sewer Lining Contract, a Class C Felony	2006	2sss
18 U.S.C. §§ 1951 and 1951(b)(2)	Interference with Commerce by Extortion-Amendment to Sewer Lining Contract, a Class C Felony	2005	3sss
18 U.S.C. §§ 1951 and 1951(b)(2)	Interference with Commerce by Extortion- Baby Creek/Patton Park, a Class C Felony	2008	4sss
18 U.S.C. §§ 1951 and 1951(b)(2)	Interference with Commerce by Extortion- Oakwood Pump Station, a Class C Felony	2007	5sss
18 U.S.C. §§ 1951 and 1951(b)(2)	Interference with Commerce by Extortion- Repair of Eastside Water Mains, a Class C Felony	2008	9sss
18 U.S.C. §§ 666(a) and 666(a)(B)(2)	Bribery Concerning Programs Receiving Federal Funds- \$75,000.00 Bribe, a Class C Felony	2008	17sss
18 U.S.C. § 1341	Mail Fraud - June 22, 2006, donor check for \$10,000.00 payable to the Civic Fund sent via Federal Express, a Class C Felony	2006	18sss
18 U.S.C. § 1341	Mail Fraud - February 13, 2007, Letter explaining the Civic Fund to donor sent via U.S. Mail, a Class C Felony	2007	19sss
18 U.S.C. § 1341	Mail Fraud - September 26, 2007, donor check for \$5,000.00 payable to the Civic Fund, sent via U.S. Mail, a Class C Felony	2007	20sss
18 U.S.C. 1341	Mail Fraud - April 3, 2008, Civic Fund check in the amount of \$4,500.00 for summer camp sent via Federal Express, a Class C Felony	2008	21sss
18 U.S.C. 1341	Mail Fraud - May 23, 2008, letter soliciting a donation and explaining the Civic Fund to donor sent U.S. Mail, a Class C Felony	2008	22sss
18 U.S.C. 1341	Mail Fraud - June 4, 2008, Civic Fund check in the amount of \$2,640.00 sent via Federal Express, a Class C Felony	2008	23sss
18 U.S.C. 1341	Mail Fraud - June 4, 2008, donor check for \$10,000.00 payable to the Civic Fund sent via Federal Express, a Class C Felony	2008	24sss
18 U.S.C. 1341	Mail Fraud - June 25, 2008, donor check for \$1,000.00 payable to the Civic Fund sent via U.S. Mail, a Class C FelonyA	2008	25sss
18 U.S.C. 1341	Mail Fraud - June 30, 2008, donor check for \$4,000.00 payable to the Civic Fund sent via Federal Express, a Class C Felony	2008	26sss
18 U.S.C. § 1343	Wire Fraud - August 24, 2007, letter soliciting a donation and explaining the Civic Fund sent to donor via fax, a Class C Felony	2007	28sss

18 U.S.C. § 1343	Wire Fraud-June 20, 2008, letter soliciting a donation and explaining the Civic Fund sent to donor via fax, a Class C Felony	2008	30sss
26 U.S.C. § 7206(1)	Subscribing False Tax Return, a Class E Felony	2004	31sss
26 U.S.C. § 7206(1)	Subscribing False Tax Return, a Class E Felony	2005	32sss
26 U.S.C. § 7206(1)	Subscribing False Tax Return, a Class E Felony	2006	33sss
26 U.S.C. § 7206(1)	Subscribing False Tax Return, a Class E Felony	2007	34sss
26 U.S.C. § 7206(1)	Subscribing False Tax Return, a Class E Felony	2008	35sss
26 U.S.C. § 7201(1)	Subscribing False Tax Return, a Class E Felony	2009	36sss

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

See next page for imprisonment terms.

The court makes the following recommendations to the Bureau of Prisons: **That defendant be placed in a BOP facility as close to Dallas, Texas as possible.**

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ a
_____, with a certified copy of this judgment.

United States Marshal

Deputy United States Marshal

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ADDITIONAL IMPRISONMENT TERMS

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 336 MONTHS (28 years). Pursuant to the Sentencing Reform Act of 1984, the Court, considering the sentencing guidelines and factors contained in U.S.C. § 3553(a).

Counts 1sss-5sss and 9sss: (Fourth Superseding Indictment) 240 MONTHS on each count, to run concurrently.

Count 17sss: (Fourth Superseding Indictment) 120 MONTHS, to run concurrently with counts 1sss-5sss and 9sss.

Counts 18sss-26sss, 28sss and 30sss: (Fourth Superseding Indictment) 84 MONTHS on each count, concurrent to one another, and consecutive to counts 1sss-5sss, 9sss, and 17sss.

Counts 31sss-36sss: (Fourth Superseding Indictment) 12 MONTHS on each count, to run concurrent to one another and consecutive to all other counts.

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **THREE (3) YEARS on Counts 1sss-5sss, 9sss, 17sss, 18sss-26sss, 28sss and 30sss, to run concurrently. ONE (1) YEAR each on Counts 31sss-36sss, to run concurrently with all other counts.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

If the defendant is convicted of a felony offense, DNA collection is required by Public Law 108-405.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. Revocation of supervised release is mandatory for possession of a controlled substance.

■ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. Revocation of supervised release is mandatory for possession of a firearm.

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SPECIAL CONDITIONS OF SUPERVISION

- The defendant shall make monthly payments on any remaining balance of the: **restitution** at a rate and schedule recommended by the Probation Department and approved by the Court.
- The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
- The defendant shall provide the probation officer access to any requested financial information.

The defendant is to make arrangements with the Internal Revenue Service (IRS) regarding a monthly payment plan regarding the payment of back taxes, plus any penalties or interest that may accrue. The defendant is to provide the payment arrangement schedule with the IRS to the probation officer.

The defendant is to fully cooperate with the Internal Revenue Service (IRS) by filing all delinquent or amended returns within six months of the sentence date, and to timely file all future returns that come due during the term of probation or supervised release. The defendant is to properly report all correct taxable income and claim only allowable expenses on those returns. The defendant is to provide all appropriate documentation in support of said returns. Upon request, the defendant is to furnish the IRS with information pertaining to all assets and liabilities, and the defendant is to fully cooperate by paying all taxes, interest, and penalties due, and otherwise comply with the tax laws of the United States.

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CRIMINAL MONETARY PENALTIES

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS:	\$ 2,400.00	\$ 0.00	\$4,779,826.61

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Internal Revenue Service	\$195,403.61	\$195,403.61	
Detroit Water & Sewerage Department	\$4,584,423.00	\$4,584,423.00	
TOTALS:	\$ 4,779,826.61	\$ 4,779,826.61	

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the restitution

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The Court waives the imposition of a fine, the costs of incarceration and the costs of supervision, due to the defendant's lack of financial resources.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
[A] Lump sum payment of **\$2,400.00** paid October 16, 2013.

Unless the court has expressly ordered otherwise in the special instructions above, while in custody, the defendant shall participate in the Inmate Financial Responsibility Program. The Court is aware of the requirements of the program and approves of the payment schedule of this program and hereby orders the defendant's compliance. All criminal monetary penalty payments are to be made to the Clerk of the Court, except those payments made through the Bureau of Prison's Inmate Financial Responsibility Program.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number

Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
10-20403-2 Bobby Ferguson	\$4,584,423.00	\$4,584,423.00	

The defendant shall forfeit the defendant's interest in the following property to the United States:

See detail list attached.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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ADDITIONAL FORFEITED PROPERTY

Forfeiture Money Judgment.

Pursuant to Fed. R. Crim. P. 32.2, 18 U.S.C. § 1963, and 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461(c), defendant shall forfeit and pay to the United States the total amount of \$4,584,423.00, as such amount constitutes the amount of proceeds obtained as a result of defendants violations of Counts One (18 U.S.C. § 1962(d), Two, Three and Four (18 U.S.C. § 1951), and Nine (18 U.S.C. § 1951) of the Fourth Superseding Indictment. The forfeiture money judgments as to each Count are as follows:

Count	Money Judgment
1	\$4,584,423.00
2 & 3	\$2,082,431.00
4	\$1,349,000.00
9	\$1,152,992.00

The amounts owed under the money judgments are concurrent to one another such that the total amount to be paid by defendant to the United States is \$4,584,423.00.

Defendant will be given credit against the amount owed on the \$4,584,423.00 money judgment if, and to the extent that, the forfeiture of the specific assets listed in co-defendant Bobby Ferguson's Amended Preliminary Order of Forfeiture (Docket #490) becomes final and the assets are liquid and/or are liquidated.

Defendant is jointly and severally liable to pay the money judgments with his co-defendant Bobby Ferguson.

The Amended Preliminary Order of Forfeiture is incorporated herein by this reference.

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STATEMENT OF REASONS
(Not for Public Disclosure)

I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- A ☐ The court adopts the presentence investigation report without change.
- B ☒ The court adopts the presentence investigation report with the following changes:
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.) **Although the Court adopts the findings in the Presentence Report, for sentencing purposes, the Court determined that the value of "the payments, the benefit received or to be received in return for the payment, the value of anything obtained or to be obtained by a public official or others acting with a public official exceeded \$5,000.00" specifically, over 2.5 million, pursuant to 2B1.1(b)(1).**
The Court determined that the amount of profit in this case was \$4,584,423.00, which results in an 18 level increase, pursuant to 2B1.1(b)(1)(J). The Guideline Range, therefore is, 360 to Life, based on a Total Offense Level of 42 and a Criminal History Category IV. This is the range that the Court will use for sentencing purposes.
- 1 ☐ **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):
- 2 ☐ **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- 3 ☐ **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- 4 ☐ **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
- C ☐ The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P.32.

II COURT FINDING ON MANDATORY MINIMUM SENTENCE. (Check all that apply.)

- A ☒ No count of conviction carries a mandatory minimum sentence.
- B ☐ Mandatory minimum sentence imposed..
- C ☐ One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on.
- ☐ findings of fact in this case
- ☐ substantial assistance (18 U.S.C. §3553(e))
- ☐ the statutory safety valve (18 U.S.C. §3553(f))

III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: **43**

Criminal History Category: **IV**

Imprisonment Range: **368 years** to months

Supervised Release Range: **1 to 3** years

Fine Range: **\$25,000.00 to \$250,000.00**

☒ Fine waived or below the guideline range because of inability to pay.

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STATEMENT OF REASONS
(Not for Public Disclosure)

IV ADVISORY GUIDELINE SENTENCING DETERMINATION. (Check only one.)

- A ☐ The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.
- B ☐ The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons:
- C ☐ The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.)
- D ☒ The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

A The sentence imposed departs (Check only one):

- ☐ below the advisory guideline range.
- ☐ above the advisory guideline range.

B Departure based on (Check only one):

1 **Plea Agreement.** (Check all that apply and check reason(s) below):

- ☐ 5K1.1 plea agreement based on the defendant's substantial assistance
- ☐ 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program
- ☐ binding plea agreement for departure accepted by the court
- ☐ plea agreement for departure, which the court finds to be reasonable
- ☐ plea agreement that states that the government will not oppose a defense departure motion

2 **Motion Not Addressed in a Plea Agreement.** (Check all that apply and check reason(s) below):

- ☐ 5K1.1 government motion based on the defendant's substantial assistance
- ☐ 5K3.1 government motion based on Early Disposition or "Fast-track" program
- ☐ government motion for departure
- ☐ defense motion for departure to which the government did not object
- ☐ defense motion for departure to which the government objected

3 **Other:**

- ☐ Other than a plea agreement or motion by the parties for departure (Check reasons(s) below.):

C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.):

- | | | |
|---|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy | <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.11 Lesser Harm |
| <input type="checkbox"/> 5H1.1 Age | <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.12 Coercion and Duress |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.13 Diminished Capacity |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.14 Public Welfare |
| <input type="checkbox"/> 5H1.4 Physical Condition | <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> 5H1.5 Employment Record | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> 5H1.11 Military Record, Charitable Service, Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders |
| | | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
- ☐ Other guideline basis(e.g. 2B1.1 commentary):

D Explain the facts justifying the departure. (Use page 4 if necessary):

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STATEMENT OF REASONS
(Not for Public Disclosure)

VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM
(Check all that apply.)

A The sentence imposed is (Check only one.):

- ☒ below the advisory guideline range.
☐ above the advisory guideline range.

B Sentence imposed pursuant to (Check Check all that apply.):

1 Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ binding plea agreement for a sentence outside the advisory guideline system accepted by the court.
☐ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable.
☐ plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline.

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ government motion for a sentence outside of the advisory guideline system
☐ defense motion for a sentence outside of the advisory guideline system to which the government did not object.
☐ defense motion for a sentence outside of the advisory guideline system to which the government objected

3 Other

- ☒ Other than a plea agreement or motion by the parties for a sentence outside of the advisory guidelines system (Check reason(s) below.):

C Reason(s) for Sentence Outside the Advisory Guideline System (Check Check all that apply.):

- ☒ the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. §3553(a)(1)
☒ to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. §3553(a)(2)(A))
☒ to afford adequate deterrence to criminal conduct (18 U.S.C. §3553(a)(2)(B))
☒ to protect the public from further crimes of the defendant (18 U.S.C. §3553(a)(2)(C))
☐ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. §3553(a)(2)(D))
☐ to avoid unwarranted sentencing disparities among defendants (18 U.S.C. §3553(a)(6))
☐ to provide restitution to any victims of the offense (18 U.S.C. §3553(a)(7))

D Explain the facts justifying a sentence outside the advisory guideline system. See Page 4.

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VII COURT DETERMINATION OF RESTITUTION

- A ☐ Restitution Not Applicable.
- B Total Amount of Restitution: \$4,779,826.61
- C Restitution not ordered (Check only one):
- 1 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. §3663A(c)(3)(A).
 - 2 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. §3663A(c)(3)(B).
 - 3 ☐ For other offenses for which restitution is authorized under 18 U.S.C. §3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. §3663(a)(1)(B)(ii).
 - 4 ☐ Restitution is not ordered for other reasons. (Explain.)
- D ☐ Partial restitution is order under 18 U.S.C. §3553(c) for these reasons:

VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable)

CONTINUATIONS of PREVIOUS PAGES

- VI D Explain the facts justifying a sentence outside the advisory guideline system: The Court considered the advisory guideline range in this case calculated by the probation department of 368 years and has determined that the appropriate guideline range in this case is 360 to Life. The Court also considered the factors contained in 18 U.S.C. § 3553(a) when imposing this sentence. The Court is directed to impose a sentence that is sufficient but not greater than necessary to meet the statutory objectives contained in 18 U.S.C. § 3553. The Court considered the factors contained in 18 U.S.C. § 3553(a)(1), the Nature and Circumstances of the defendant. In this case, the defendant is a 43 year old man with two prior convictions. Kilpatrick is educated, was previously the mayor of a major city, is married and has three children. Kilpatrick was convicted of running a criminal enterprise using the office of the Mayor of the City of Detroit.

The Court also considered the factors contained in 18 U.S.C. § 3553(a)(2)(A), to reflect the seriousness of the offense, promote respect for the law and provide just punishment for the offense. The instant offense spanned over the entire six years he was in office. Kilpatrick steered lucrative contracts to his co-defendant, Bobby Ferguson and also directed city vendors to pay his father (and co-defendant), Bernard Kilpatrick, as a way to secure city contracts. Kilpatrick used the power of his position as mayor and his appointment as Special Administrator of the Detroit Water and Sewage Department to steer business to Bobby Ferguson and, in turn, enhance himself monetarily and enhance the lives of his co-defendants. Kilpatrick was convicted of extortion, bribery, income tax evasion, mail fraud and wire fraud. It is difficult to quantify the total cost of the corruption in this case, however, it is certain that the citizens of the City of Detroit suffered monetarily at the hands of the Kilpatrick administration.

Furthermore, the Court considered the factors contained in 18 U.S.C. § 3553(a)(2)(B), to afford adequate deterrence to criminal conduct. Sentences for public corruption cases have increased over the past few years with the hope that significant sentences for public officials with deter similar conduct in other elected officials charged with serving the public. A significant sentence in this case will send the message that this type of conduct will not be tolerated. Finally, the Court considered the factors contained in 18 U.S.C. § 3553(a)(6), to avoid unwarranted sentence disparities. The breadth of corruption in this case is extraordinary; therefore, a significant sentence to reflect the scale of corruption is called for.

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OCTOBER 10, 2013

Date of Imposition of Judgment

Defendant's Soc.Sec.No.: **367-96-7084**

Defendant's Date of Birth: **June 8, 1970**

Defendant's Residence Address: **3012 Pamplona, Grand
Prairie, Texas 75054**



s/Nancy G Edmunds

United States District Judge

DECEMBER 17, 2013

Date Signed

Defendant's Mailing Address: **In Custody**